

Message Text

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ORIGIN EB-07

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P 152216Z SEP 75
FM SECSTATE WASHDC
TO AMEMBASSY SANTO DOMINGO PRIORITY

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E.O. 11652: GDS

TAGS: EAIR, OCLR, US, DR

SUBJECT: CIVAIR - DENIAL OF OPERATING PERMIT

SUMMARY: DGCA HAS DENIED OPERATION BY U.S. FIRM ON GROUNDS THAT FIRM OPERATES WITHOUT FAA PERMIT AS COMMERCIAL CARRIER. FIRM IS NOT COMMERCIAL OPERATOR, DOES NOT QUALIFY FOR SUCH PERMIT. EMBASSY REQUESTED APPROACH GODR. END SUMMARY.

BEGIN UNCLASSIFIED

1. NY CITY FIRM, PAJAMA CORP OF AMERICA (PCA) CONTACTED DEPT FOR ASSISTANCE. PCA MANUFACTURING SUBSIDIARY, ROMANA INDUSTRIES, HAS OPERATED LEASED DC-6 TO CARRY FIRM'S PRODUCT FROM LA ROMANA FREE ZONE TO U.S. ROMANA

IS PANAMANIAN CORPORATION, WHOLLY-OWNED BY PCA STOCK-
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HOLDERS. OPERATION OF DC-6 WAS IN COMPLIANCE WITH U.S. FEDERAL AVIATION REGS (FARS). DGCA REPORTEDLY SAID ROMANA MUST OPERATE UNDER PART 121 OF FARS (REGULATIONS

ON AIR CARRIERS FOR COMPENSATION OR HIRE).

2. ROMANA PRESENTLY COMPLIES WITH FARS, OPERATING DC-6 AS WOULD ANY OPERATOR WITH OWN AIRCRAFT. ROMANA DOES NOT QUALIFY FOR PART 121 PERMIT. (THIS PERMIT IS FAA TECHNICAL PERMIT, NOT TO BE CONFUSED WITH CAB ECONOMIC PERMISSION FOR WHICH ROMANA ALSO DOES NOT QUALIFY.)

3. PCA ENLISTED SUPPORT OF GULF AND WESTERN CORP, AND BOTH FIRMS' REPS MET DGCA, COL JORGE. DGCA ASSERTED THAT ROMANA OPERATION MUST BE CONSIDERED COMMERCIAL, AND THAT IF ROMANA/PCA DO NOT QUALIFY FOR PERMIT, THEN DOMINICAN CARRIER SHOULD BE USED. GULF AND WESTERN, HOWEVER, CONDUCT A SIMILAR PRIVATE CARRIAGE

OPERATION UNDER SPECIAL EXEMPTION FROM PRESIDENT BALAGUER.

4. ROMANA/PCA'S FINAL FLIGHT WITHOUT PERMIT WILL BE TUESDAY, SEPT 16.

END UNCLASSIFIED

5. ACTION: UNLESS EMBASSY JUDGEMENT INDICATES ANOTHER COURSE MAY BE MORE EFFECTIVE, DEPT SUGGEST EMBASSY FIRST MAKE INFORMAL APPROACH TO DGCA. (PCA APPARENTLY PUSHED HARD ON DGCA.) EMBASSY MAY WISH MAKE FOLLOWING POINTS:

(A) ROMANA/PCA OPERATION IS PRIVATE CARRIAGE;
(B) ROMANA/PCA OPERATION NOW COMPLIES WITH U.S. FARS;
(C) ROMANA/PCA DO NOT QUALIFY AS COMMERCIAL OPERATORS UNDER U.S. REGS.

6. BASED ON OUR DISCUSSION WITH PCA, WE EXPECT DGCA TO ASSERT DOMINICAN SOVEREIGNTY, REGARDLESS OF THE IMPLICATIONS FOR FOREIGN INVESTMENT IN LA ROMANA FREE
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ZONE. AT THIS POINT, EMBASSY MAY WISH TO ASK IF IT IS DOMINICAN POLICY TO DENY ALL BUSINESSES RIGHT TO OPERATE THEIR OWN AIRCRAFT. IF NOT, ACTION AGAINST PCA IS DISCRIMINATORY.

7. IF DGCA ADAMANT, EMBASSY MAY WISH TO MAKE FURTHER APPROACH AT A LEVEL YOU CONSIDER LIKELY TO BE MORE CONCERNED WITH FOREIGN INVESTMENT OR MORE EFFECTIVE, GIVEN PERSONALITIES OR INFLUENCE. KISSINGER

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